

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

December 11, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:09od-144

OAHU

Grant of Perpetual, Non-Exclusive Easement to Board of Water Supply for
Waterline Purposes; Issuance of Right-of-Entry, Honolulu, Oahu, Tax Map Key:
(1) 2-4-005:portion of 018.

APPLICANT:

Board of Water Supply, whose business address is 630 South Beretania Street, Honolulu,
Hawaii 96843.

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Honolulu, Oahu, identified by Tax Map Key: (1)
2-4-005:018, as shown on the attached map labeled Exhibit A.

AREA:

To be determined.

ZONING:

State Land Use District: Urban

City & County of Honolulu LUO: B-2

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

ITEM D-11

CURRENT USE STATUS:

Encumbered by Governor's Executive Order No. 1254 to the Department of Agriculture for office building purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove water transmission pipeline over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No.1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing." Today's request is for housekeeping to document an existing waterline.

DCCA VERIFICATION:

Not applicable. Government agency.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
- 2) Process and obtain subdivision at Applicant's own cost.

REMARKS:

The City & County of Honolulu (City) owns the parcel identified as tax map key (1) 2-4-005:023, which is across the State parcel identified as tax map key (1) 2-4-005:018. As

noted above, the State parcel has been set aside to the Department of Agriculture for office building purpose.

The City wants to build a new facility for its Emergency Medical Services agency which has operated from trailers on the City's land for several years. Under the construction, a lateral connection to an existing waterline located on the subject State parcel is planned. Research shows there is no easement for the existing waterline in favor for the Board of Water Supply (BWS). BWS will survey the existing waterline and provide detail map and legal description when such information becomes available. To document the existing waterline, BWS requests a perpetual easement, and an immediate construction and management right-of-entry.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Staff did not solicit comments from other agencies as such process has been conducted during the environmental assessment stage of the new facility. The final environmental assessment with a finding of no significant impact for the new facility was published in the Environmental Notice dated July 8, 2006.

Concurrence from the Governor and DOA will be sought when the map and area of the requested easement are known. Currently, DOA does not have any objection to the subject request.

There are no other pertinent issues or concerns and staff has no objection to the request.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to the Board of Water Supply covering the subject area for waterline purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and

- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
- 3. That the Board authorize the issuance of a right-of-entry permit to Board of Water Supply covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

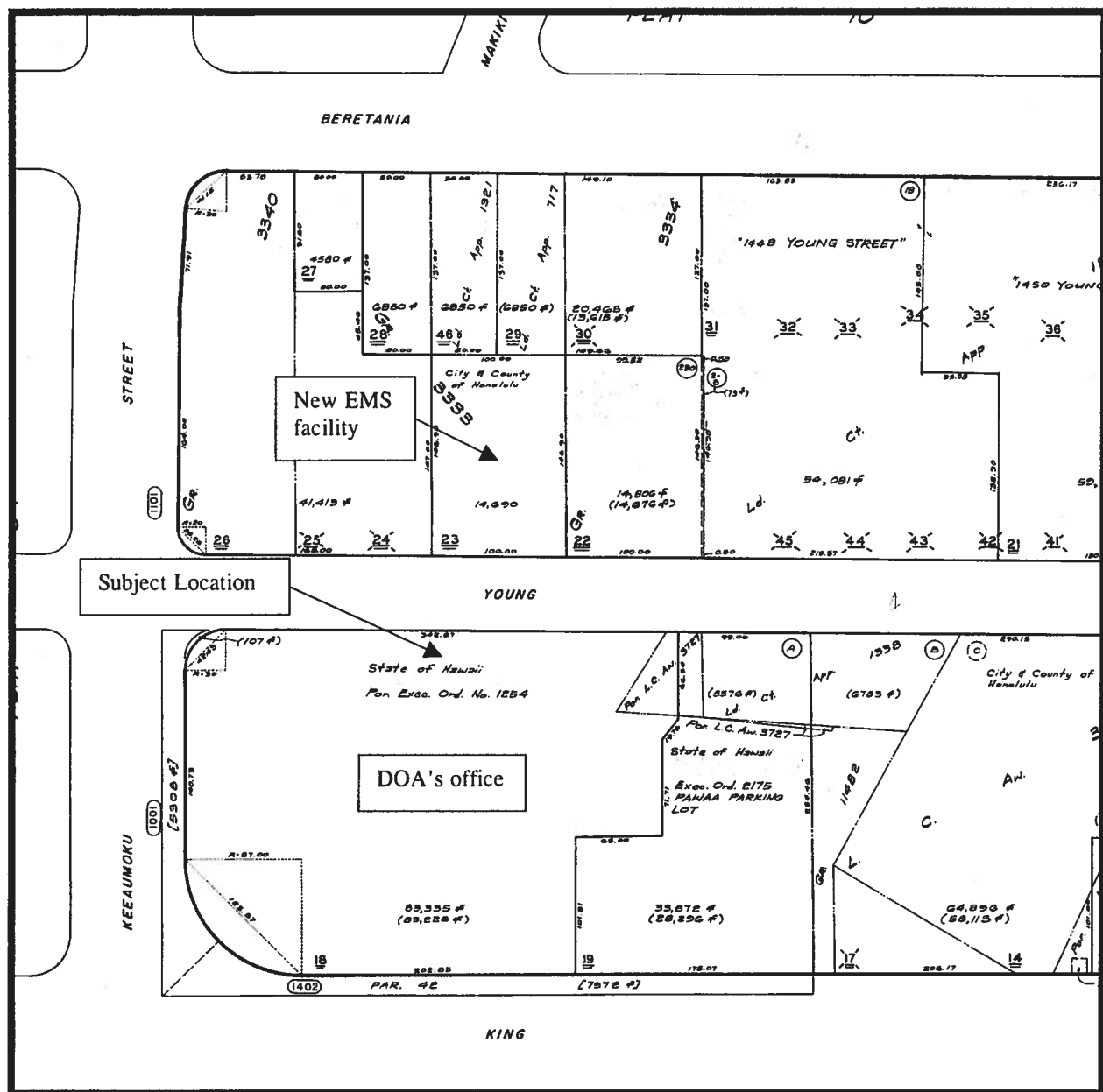


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



TMK (1) 2-4-005:018

Exhibit A